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OFFICE OF PETITIONS

In re Application of
AVERBUCH
Application No.: 10/707,521
Filing Date: December 19, 2003
Attorney Docket No.: (none)

DECISION ON PETITION
UNDER 37 CFR 1.137(B)

This is a decision on the petition under 37 CFR 1.137(b), filed October 26, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the restriction requirement mailed January 17, 2006, which set a one (1) month period for reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, by operation of law, the above-identified application became abandoned on February 18, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an election; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the restriction requirement mailed January 17, 2006 is accepted as having been unintentionally delayed.

This application is being referred to Technology Center AU 2838 for appropriate action on the reply in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3303.

Bryan Lin
Legal Examiner
Office of the Deputy Commissioner
for Patent Examination Policy